



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Dr. W. A. Davis  
State Registrar of Vital Statistics  
State Board of Health  
Austin, Texas

Dear Sir:

Opinion No. O-4803

Re: Should the State Registrar  
verify births over his signa-  
ture and title as called for  
on the form submitted without  
the payment of the fee?

You have requested the opinion of this department on the above question, enclosing with your request photostatic copies of two types of requests for verification of birth records to establish citizenship, used by defense industries. Each of these requests submits the name, place and date of birth, and parents names, of a prospective employee, and asks you, in your official position as State Registrar, to certify to the correctness of the information therein contained.

You state that: "The records in the State Bureau are indexed, but before the State Registrar can verify a record in the establishment of citizenship, it is necessary that not only the index be run but that the files be searched." Rule 54a of Article 4477, Vernon's Revised Civil Statutes of 1925, cited by you, provides in part:

... For any search of the files and records when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents (50¢) for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the State Treasurer at the close of

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each month, and all such fees shall be kept by the State Treasurer in a special and separate fund, to be known as the 'Vital Statistics Fund,' and the amounts as deposited in this Fund may be used for defraying expenses incurred in the enforcement and operation of this Act; . . ."

The above quoted statutory provision is plainly applicable to the case described by you. And, while the statute says that the State Registrar "shall be entitled" to the fees prescribed, we believe that the plain intendment of the quoted provisions, as disclosed by the language used, is that it is not only the privilege of the State Registrar, but his duty as well, to collect the statutory fee.

It is therefore our opinion that the State Registrar should not verify births over his signature and title, without the payment of the statutory fee for such search of the files and records of his department as is necessary to enable him to verify the facts inquired about.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*W. R. Allen*

W. R. Allen  
Assistant

WRA:db

APPROVED SEP 12, 1942

*Gerald C. Mann*

ATTORNEY GENERAL OF TEXAS



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BW